

mittee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the financial assistance provided under this section during the year covered by the report. Each such report shall include, for such year, a description of such assistance provided and of how such assistance—

- (1) affected the United States maritime transportation system;
- (2) mitigated the financial impact of the emergency on the recipient of the assistance; and
- (3) protected critical infrastructure in the United States.

(j) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE OR TRIBAL ENTITY.—The term “eligible State or Tribal entity” means—

- (A) a port authority; or
- (B) a vessel owned and operated by a State or Tribal government and facilities associated with the operation of such vessel.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means a public or private entity that is created or organized in the United States or under the laws of the United States, with significant operations in and a majority of its employees based in the United States, that is engaged in—

- (A) vessel construction, transportation by water, or support activities for transportation by water with an assigned North American Industry Classification System code beginning with 3366, 483, 4883, or 6113, or in the case of such construction, transportation, or support activities conducted by a fish processing vessel, such an assigned code beginning with 3117; or
- (B) as determined by the Secretary of Transportation—
  - (i) construction or water transportation related to activities described in subparagraph (A); or
  - (ii) maritime education and training.

(3) ELIGIBLE OPERATING COSTS.—The term “eligible operating costs” means costs relating to—

- (A) emergency response;
- (B) cleaning;
- (C) sanitization;
- (D) janitorial services;
- (E) staffing;
- (F) workforce retention;
- (G) paid leave;
- (H) procurement and use of protective health equipment, testing, and training for employees and contractors;
- (I) debt service payments;
- (J) infrastructure repair projects;
- (K) fuel; and
- (L) other maritime transportation system operations, as determined by the Secretary of Transportation;

(4) EMERGENCY.—The term “emergency” means a natural disaster affecting a wide area (such as a flood, hurricane, tidal wave, earthquake, severe storm, or landslide) or a catastrophic failure from any external cause, that

impacts the United States maritime transportation system and as a result of which—

- (A) the Governor of a State has declared an emergency and the Maritime Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, has concurred in the declaration;
- (B) the President has declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);
- (C) national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) is in effect; or
- (D) a public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) is in effect.

(Added Pub. L. 116-283, div. C, title XXXV, §3505(a), Jan. 1, 2021, 134 Stat. 4402; amended Pub. L. 118-31, div. C, title XXXV, §3514(e), Dec. 22, 2023, 137 Stat. 811.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (e)(2), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

The National Emergencies Act, referred to in subsec. (j)(4)(C), is Pub. L. 94-412, Sept. 14, 1976, 90 Stat. 1255, which is classified principally to chapter 34 (§1601 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 50 and Tables.

##### AMENDMENTS

2023—Subsec. (a)(2)(B). Pub. L. 118-31, §3514(e)(1), substituted “Federal Emergency Management Agency” for “Federal Emergency Management Administration”.

Subsec. (j)(4)(A). Pub. L. 118-31, §3514(e)(2), substituted “Federal Emergency Management Agency” for “Federal Emergency Management Administration”.

#### Statutory Notes and Related Subsidiaries

##### INCLUSION OF COVID-19 PANDEMIC PUBLIC HEALTH EMERGENCY

Pub. L. 116-283, div. C, title XXXV, §3505(c), Jan. 1, 2021, 134 Stat. 4405, provided that: “For purposes of section 50308 of title 46, United States Code, as added by subsection (a), the public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) resulting from the COVID-19 pandemic shall be treated as an emergency.”

#### § 50309. Securing logistics information data of the United States

(a) IN GENERAL.—

(1) PROHIBITION.—A covered entity shall not use a covered logistics platform.

(2) ELIGIBILITY.—A covered entity that is found to use a covered logistics platform shall not be eligible to receive any Federal grant funding as long as the covered entity uses a covered logistics platform.

(b) GUIDANCE.—The Secretary of Transportation shall—

(1) notify covered entities of the prohibition in subsection (a) as soon as practicable, including notice of funding opportunities for grant programs; and

(2) publish on a website of the Department of Transportation, and update regularly, a list of covered logistics platforms subject to the prohibition in subsection (a).

(c) **CONSULTATION.**—In carrying out this section, the Secretary shall consult with—

- (1) the Secretary of Defense;
- (2) the Secretary of the Department in which the Coast Guard is operating;
- (3) the Secretary of State; and
- (4) the Secretary of Commerce.

(d) **WAIVER.**—The Secretary of Transportation, in consultation with the Secretary of Defense, may waive the provisions of this section for a specific contract if the Secretary of Transportation—

(1) makes a determination that such waiver is vital to the national security of the United States; and

(2) submits to Congress a report justifying the use of such waiver and the importance of such waiver to the national security of the United States.

(e) **DEFINITIONS.**—In this section:

(1) **COVERED LOGISTICS PLATFORM.**—The term “covered logistics platform” means a data exchange platform that utilizes or provides, in part or whole—

(A) the national transportation logistics public information platform (commonly referred to as “LOGINK”) provided by the People’s Republic of China, or departments, ministries, centers, agencies, or instrumentalities of the Government of the People’s Republic of China;

(B) any national transportation logistics information platform provided by or sponsored by the People’s Republic of China, or a controlled commercial entity; or

(C) a similar system provided by Chinese state-affiliated entities.

(2) **COVERED ENTITY.**—The term “covered entity” means—

(A) a port authority that receives funding after the date of the enactment of this section under—

(i) the port infrastructure development program under section 54301;

(ii) the maritime transportation system emergency relief program under section 50308; or

(iii) any Federal grant funding program;

(B) any marine terminal operator located on property owned by a port authority as described in subparagraph (A) or at a seaport described in subparagraph (D);

(C) any agency or instrumentality of the United States Government or that of a State; or

(D) a commercial strategic seaport within the National Port Readiness Network.

(Added Pub. L. 118–31, div. A, title VIII, § 825(b)(1), Dec. 22, 2023, 137 Stat. 332.)

## Editorial Notes

### REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (e)(2)(A), is the date of enactment of Pub. L. 118–31, which was approved Dec. 22, 2023.

### Statutory Notes and Related Subsidiaries

#### COUNTERING ADVERSARY LOGISTICS INFORMATION TECHNOLOGIES

Pub. L. 118–31, div. A, title VIII, § 825, Dec. 22, 2023, 137 Stat. 332, provided that:

“(a) **COUNTERING THE SPREAD OF COVERED LOGISTICS PLATFORMS.**—

“(1) **CONTRACTING PROHIBITION.**—

“(A) **IN GENERAL.**—The Secretary of Defense may not enter into a contract with an entity that provides data to covered logistics platforms.

“(B) **APPLICABILITY.**—This paragraph shall apply with respect to any contract entered into on or after the date that is 180 days after the date of the enactment of this subsection [Dec. 22, 2023].

“(2) **WAIVER.**—The Secretary of Defense may waive the provisions of this subsection for a specific contract if the Secretary—

“(A) makes a determination that such waiver is vital to the national security of the United States; and

“(B) submits to Congress a report justifying the use of such waiver and the importance of such waiver to the national security of the United States.

“(3) **REPORT.**—Not later than one year after the date of the enactment of this subsection, and annually for three subsequent years, the Secretary of Defense shall submit to Congress a report on the implementation of this subsection.

“(b) **POLICY WITH RESPECT TO PORTS ACCEPTING FEDERAL GRANT MONEY.**—

“(1) [Enacted this section.]

“(2) [Amended analysis of chapter 503 of this title.]

“(3) **APPLICABILITY.**—Section 50309 of title 46, United States Code, as added by paragraph (1), shall apply with respect to any contract entered into on or after the date that is 180 days after the date of the enactment of this subsection [Dec. 22, 2023].

“(4) **REPORTING.**—Not later than one year after the date of the enactment of this subsection, and annually for three subsequent years, the Secretary of Transportation shall submit to Congress a report on the implementation of section 50309 of title 46, United States Code, as added by paragraph (1).

“(c) **NEGOTIATIONS WITH ALLIES AND PARTNERS.**—

“(1) **NEGOTIATIONS REQUIRED.**—The Secretary of State shall seek to enter into negotiations with United States ally and partner countries, including those described in paragraph (3), if the President determines that ports or other entities operating within the jurisdiction of such ally or partner countries are using or are considering using a covered logistics platform.

“(2) **ELEMENTS.**—As part of the negotiations described in paragraph (1), the President shall—

“(A) urge governments of such ally and partner countries to require entities within the jurisdiction of such governments to terminate the use of a covered logistics platform;

“(B) describe the threats posed by a covered logistics platform to United States military and strategic interests and the implications such threats may have for the presence of members of the Armed Forces of the United States in such countries;

“(C) urge governments to use their voice, influence, and vote to align with the United States and to counter attempts by foreign adversaries at international standards-setting bodies to adopt standards that incorporate a covered logistics platform; and

“(D) attempt to establish, through multilateral entities, bilateral or multilateral negotiations,

military cooperation, and other relevant engagements or agreements, a prohibition on the use of a covered logistics platform.

“(3) ALLIES AND PARTNERS DESCRIBED.—The countries and entities with which the President shall conduct negotiations described in this subsection shall include—

“(A) all countries party to a collective defense treaty or other collective defense arrangement with the United States;

“(B) India; and

“(C) Taiwan.

“(4) REPORT.—Not later than one year after the date of the enactment of this subsection [Dec. 22, 2023], the Secretary of State shall submit a report to the appropriate congressional committees describing—

“(A) the efforts made by the United States Government as of the date of the submission of the report in the negotiations described in this subsection; and

“(B) the actions taken by the governments of ally and partner countries pursuant to the negotiation priorities described in this subsection.

“(d) DEFINITIONS.—In this section:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committees on Armed Services, Foreign Affairs, and Transportation and Infrastructure of the House of Representatives; and

“(B) the Committees on Armed Services, Foreign Relations, and Commerce, Science, and Transportation of the Senate.

“(2) COVERED LOGISTICS PLATFORM.—The term ‘covered logistics platform’ has the meaning given in section 50309 of title 46, United States Code, as added by this section.

“(3) FOREIGN ADVERSARY.—The term ‘foreign adversary’ means—

“(A) the People’s Republic of China, including the Hong Kong and Macau Special Administrative Regions;

“(B) the Republic of Cuba;

“(C) the Islamic Republic of Iran;

“(D) the Democratic People’s Republic of Korea;

“(E) the Russian Federation; and

“(F) the Bolivarian Republic of Venezuela under the regime of Nicolás Maduro Moros.”

## CHAPTER 504—COMMITTEES

Sec.

50401. United States Committee on the Marine Transportation System.

50402. Maritime Transportation System National Advisory Committee.

### Editorial Notes

#### AMENDMENTS

2021—Pub. L. 117–81, div. C, title XXXV, §3512(c)(1), Dec. 27, 2021, 135 Stat. 2239, amended chapter analysis generally, reenacting heading without change and substituting items 50401 “United States Committee on the Marine Transportation System” and 50402 “Maritime Transportation System National Advisory Committee” for former items 55501 “United States Committee on the Marine Transportation System” and 55502 “Maritime Transportation System National Advisory Committee”, respectively.

Pub. L. 117–81, div. C, title XXXV, §3512(a)(2), Dec. 27, 2021, 135 Stat. 2239, substituted “COMMITTEES” for “MISCELLANEOUS” in chapter heading.

Pub. L. 117–81, div. C, title XXXV, §3512(a)(1), Dec. 27, 2021, 135 Stat. 2239, which directed that chapter 555 of title 46 be redesignated as chapter 504 and transferred to appear after chapter 503, was executed by transferring the analysis preceding section 55501 of this title to precede section 50401 of this title, to reflect the probable intent of Congress.

Pub. L. 116–283, div. G, title LVXXXIII [LXXXIII], §8332(c), Jan. 1, 2021, 134 Stat. 4704, added item 55502.

2014—Pub. L. 113–281, title III, §301(3), Dec. 18, 2014, 128 Stat. 3042, added item 55501 and struck out former items 55501 “Mobile trade fairs” and 55502 “United States Committee on the Marine Transportation System”.

2012—Pub. L. 112–213, title III, §310(b), Dec. 20, 2012, 126 Stat. 1568, added item 55502.

### § 50401. United States Committee on the Marine Transportation System

(a) ESTABLISHMENT.—There is established a United States Committee on the Marine Transportation System (in this section referred to as the “Committee”).

(b) PURPOSE.—The Committee shall serve as a Federal interagency coordinating committee for the purpose of—

(1) assessing the adequacy of the marine transportation system (including ports, waterways, channels, and their intermodal connections);

(2) promoting the integration of the marine transportation system with other modes of transportation and other uses of the marine environment; and

(3) coordinating, improving the coordination of, and making recommendations with regard to Federal policies that impact the marine transportation system.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall consist of—

(A) the Secretary of Transportation;

(B) the Secretary of Defense;

(C) the Secretary of Homeland Security;

(D) the Secretary of Commerce;

(E) the Secretary of the Treasury;

(F) the Secretary of State;

(G) the Secretary of the Interior;

(H) the Secretary of Agriculture;

(I) the Attorney General;

(J) the Secretary of Labor;

(K) the Secretary of Energy;

(L) the Administrator of the Environmental Protection Agency;

(M) the Chairman of the Federal Maritime Commission;

(N) the Chairman of the Joint Chiefs of Staff; and

(O) the head of any other Federal agency who a majority of the voting members of the Committee determines can further the purpose and activities of the Committee.

(2) NONVOTING MEMBERS.—The Committee may include as many nonvoting members as a majority of the voting members of the Committee determines is appropriate to further the purpose and activities of the Committee.

(d) SUPPORT.—

(1) COORDINATING BOARD.—

(A) IN GENERAL.—There is hereby established, within the Committee, a Coordinating Board. Each member of the Committee may select a senior level representative to serve on such Board. The Board shall assist the Committee in carrying out its purpose and activities.

(B) CHAIR.—There shall be a Chair of the Coordinating Board. The Chair of the Co-